

BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE

SEPTEMBER 27, 1999

IN RE:)
)
PETITIONS OF VARIOUS COMPETING)
LOCAL EXCHANGE CARRIERS AND)
RESELLERS FOR APPROVAL OF A)
SUSPENSION OF THE REQUIRED DATE)
FOR IMPLEMENTING INTRALATA)
TOLL DIALING PARITY)

DOCKET NO. 99-00381

ORDER APPROVING THE SUSPENSION OF
INTRALATA TOLL DIALING PARITY IMPLEMENTATION

This matter came before the Tennessee Regulatory Authority (the "Authority") on June 22, 1999, at a regularly scheduled Authority Conference, to consider the Petitions of various Competing Local Exchange Carriers and Resellers for suspension of the requirement to implement IntraLATA Toll Dialing Parity.

Section 251(b) of the Telecommunications Act of 1996 ("the Act") requires all Local Exchange Carriers to provide dialing parity.¹ Specifically, section 251(b)(3) of the Act states, "Dialing Parity - The duty to provide dialing parity to competing providers of telephone exchange service and telephone toll service, and the duty to permit all such providers to have nondiscriminatory access to telephone numbers, operator services, directory assistance, and directory listing, with no unreasonable dialing delays." The Act in sections 251(f)(1) and 251(f)(2) allows state commissions to approve a modification or suspension of dialing parity

¹ Telecommunications Act of 1996, Pub. L. No. 104-104, (February 8, 1996), codified at 47 U.S.C. §§151 *et seq.*

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rules for carriers with fewer than 2% of the total access lines nationwide. The requirements for granting the modification or suspension are that the modification or suspension will allow the carrier to prevent a condition that will be economically burdensome, or that is technically infeasible, or will allow avoidance of an adverse economic impact and is consistent with the public interest.

The Federal Communications Commission ("FCC") initiated a rulemaking on dialing parity on April 19, 1996 and issued its findings in FCC 96-333 Order (Docket 96-98) adopted on August 8, 1996. This Order sets forth the criteria and guidelines for filing of a plan by all carriers. Subsequent to this Order the United States Court of Appeals for the Eighth Circuit vacated the FCC's rules, as they were applicable to intrastate services.² On January 25, 1999, the United States Supreme Court reversed certain portions of the Eighth Circuit's decision including that part of the decision which had stricken the FCC's rules pertaining to dialing parity.³

The FCC's original date for implementation, February 8, 1999, was reinstated by the Supreme Court's decision of January 25, 1999. As a result of this reinstatement, the FCC released FCC 99-54 Order (Docket 96-98) on March 23, 1999, which set forth revised implementation dates for dialing parity. This Order establishes April 22, 1999 as the new date by which all Local Exchange Carriers must file an IntraLATA Toll Dialing Parity Plan with State Commissions for approval. The Plan must be implemented within thirty (30) days after approval from the State Commission. Additionally, the Order states that the Plan must be filed with the Common Carrier Bureau of the FCC if the State Commission has not acted on the Plan by June 22, 1999.

² FCC v. Iowa Utils. Bd., United States Court of Appeals for the Eighth Circuit, July 18, 1997.

³ AT&T v. Iowa Utils. Bd., 119 S.Ct. 721 (1999).

The following local resellers of prepaid local telephone service in Tennessee presently block access of their customers to both interLATA and intraLATA toll. For this reason, they request to delay implementing intraLATA toll dialing parity. They further state that an implementation plan will be filed sixty (60) days prior to the date they intend to start offering their customers access to the toll network:

1-800 Reconex	Annox
Express Connection	EZ Phone
Now Communications	Tel-Link, LLC
U.S. Dial Tone, Inc.	The Telephone Connection
Golden Financial	Image Access, Inc, dba New Phone
Tennessee Phone Service	Comm South Companies

The following local resellers have not begun to offer service in Tennessee and have no plans to in the immediate future. For this reason, they request to delay to implement intraLATA toll dialing parity. They further state that an implementation plan will be filed sixty (60) days prior to offering resold local telephone service in Tennessee:

Atlas Communications, Ltd	Cash 2 Go, LLC
Excel Telecommunications	Easton Telecom Services Inc.
Fast Connections, Inc.	Group Long Distance Inc.
LDM Systems, Inc.	SouthNet Telecomm Services, Inc.
The Money Place	Telephone Company of Central Florida, Inc.
U.S. Telco, Inc.	United Communications Systems
The Video Center, Inc.	

The following Competing Local Exchange Carriers have not begun to offer service in Tennessee and have no plans to in the immediate future. For this reason, they request to delay implementing intraLATA Toll Dialing parity. They further state that an implementation plan will be filed sixty (60) days prior to offering local telephone service in Tennessee:

ALLTEL Communications	ATS of Tennessee, Inc.
BlueStar Networks, Inc.	Comm Depot
Digital Teleport, Inc.	DSLnet Communications, LLC
Electric Power Board of Chattanooga	e.spire
Interpath Communications, Inc.	ITC DeltaCom
Logix Communications	SouthEast Telephone, Inc.
Loadpoint Telecommunications, LLC	WorldCom Technologies (MFS Intelenet)
Metropolitan Fiber Systems of Tennessee, Inc.	

Prepaid local resellers maintain it is not technically feasible to provide intraLATA toll dialing parity since access to intraLATA toll is currently blocked. Likewise, other local resellers and Competing Local Exchange Carriers, not currently offering service in Tennessee maintain it is not technically feasible to offer intraLATA toll dialing parity. Because of this technical infeasibility, the above named resellers and CLECs request that the Authority approve a suspension of the implementation of intraLATA Toll Dialing Parity. This request is made pursuant to Section 251(f)(2) of the Telecommunications Act of 1996. Specifically, these resellers and Competing Local Exchange Carriers request that they be allowed to delay the submission of an intraLATA toll dialing parity plan until sixty (60) days prior to making intraLATA toll service available to their customers or offering local service.

The Directors considered the requests of these resellers and Competing Local Exchange Carriers at the June 22, 1999 Authority Conference. At that time the Directors unanimously voted to approve these requests.

IT IS THEREFORE ORDERED THAT:

1. The requests of Annox, 1-800 Reconex, Comm South Companies, Express Connection, EZ Phone, Golden Financial, Image Access, Inc. dba NewPhone, Now

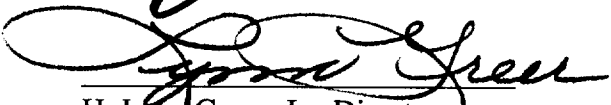
Communications, Tel-Link, LLC, Tennessee Phone Service, The Telephone Connection, U.S. Dial Tone, Inc., Atlas Communications, Ltd., Cash 2 Go, LLC, Easton Telecom Services, Inc., Excel Telecommunications, Fast Connections, Inc., Group Long Distance Inc., LDM Systems, Inc., SouthNet Telecomm Services, Inc., Telephone Company of Central Florida, Inc., The Money Place, U.S. Telco, Inc., The Video Center, Inc., United Communications Systems, ALLTEL Communications, Inc. ATS of Tennessee, Inc., BlueStar Networks, Inc. Comm Depot, Digital Teleport, Inc., DSLnet Communications, LLC, Electric Power Board of Chattanooga, e.spire, Interpath Communications, Inc., ITC DeltaCom, Logix Communications, SouthEast Telephone, Inc., Loadpoint Telecommunications, LLC, Metropolitan Fiber Systems of Tennessee, Inc., and WorldCom Technologies (MFS Intelenet) to delay implementation of IntraLATA Toll Dialing Parity are approved;

2. Annox, 1-800 Reconex, Comm South Companies, Express Connection, EZ Phone, Golden Financial, Image Access, Inc. dba NewPhone, Now Communications, Tel-Link, LLC, Tennessee Phone Service, The Telephone Connection, U.S. Dial Tone, Inc., Atlas Communications, Ltd., Cash 2 Go, LLC, Easton Telecom Services, Inc., Excel Telecommunications, Fast Connections, Inc., Group Long Distance Inc., LDM Systems, Inc., SouthNet Telecomm Services, Inc., Telephone Company of Central Florida, Inc., The Money Place, U.S. Telco, Inc., The Video Center, Inc., United Communications Systems, ALLTEL Communications, Inc. ATS of Tennessee, Inc., BlueStar Networks, Inc. Comm Depot, Digital Teleport, Inc., DSLnet Communications, LLC, Electric Power Board of Chattanooga, e.spire, Interpath Communications, Inc., ITC DeltaCom, Logix Communications, SouthEast Telephone, Inc., Loadpoint Telecommunications, LLC, Metropolitan Fiber Systems of Tennessee, Inc., and WorldCom Technologies (MFS Intelenet) shall file IntraLATA Toll

Dialing Parity Implementation Plans with the Tennessee Regulatory Authority sixty (60) days prior making intraLATA toll service available to their customers or offering local service; and


3. Any party aggrieved by the Authority's decision in this matter may file a Petition for Reconsideration with the Authority within ten (10) days from and after the date of this Order.


Melvin J. Malone, Chairman


H. Lynn Greer, Jr., Director


Sara Kyle, Director

ATTEST:


K. David Waddell, Executive Secretary